

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

EXCLAIM MARKETING, LLC,)
)
Plaintiff,)
)
v.)
)
DIRECTV, INC; DIRECTV, LLC; and)
DIRECTV OPERATIONS, LLC,)
)
Defendants.)

JUDGMENT

No. 5:11-CV-684-FL

Decision by Court and Jury.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of the motion to dismiss for failure to state claim filed by DIRECTV, Inc. and DIRECTV Operations, LLC; the motion for summary judgment filed by plaintiff; and, the motion for summary judgment filed by DIRECTV, Inc. and DIRECTV Operations, LLC. Subsequent to the court's ruling as to these motions, the remaining claims in this action were tried by a jury with United States District Louise Wood Flanagan presiding, and the jury rendered a verdict. The court then also considered the parties' post-trial motions.

IT IS ORDERED, ADJUDGED AND DECREED, pursuant to the Court's order entered July 24, 2012, that the motion to dismiss filed by DIRECTV, Inc. and DIRECTV Operations, LLC is granted in part as to the tortious interference with contract and tortious interference with prospective advantage claims and denied in part as to the defamation and unfair and deceptive trade practices claims; and pursuant to the Court's order entered March 31, 2014, that the motion for summary judgment filed by DIRECTV, Inc. and DIRECTV Operations, LLC is granted in part and denied in part and the motion for summary judgment filed by plaintiff is denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, pursuant to the court's orders entered on September 30, 2015, DIRECTV, LLC's first motion for judgment as a matter of law is denied, as is plaintiff's oral motion for judgment as a matter of law. DIRECTV, LLC's second motion for judgment as a matter of law is granted, as is its motion to seek increased profits. The jury's verdict entered November 24, 2014, awarding plaintiff \$760,000.00 as a result of DIRECTV, LLC's conduct in violation of North Carolina's Unfair and Deceptive Trade Practices Act and awarding defendant \$25,000.00 as plaintiff's profits earned from its trademark infringement is VACATED. The court awards DIRECTV, LLC plaintiff's profits in the amount of \$610,560.00.

This Judgment Filed and Entered on September 30, 2015, and Copies To:

Joseph H. Nanney, Jr. (via CM/ECF Notice of Electronic Filing)
Elizabeth Connolly Stone (via CM/ECF Notice of Electronic Filing)
Michael E. Williams (via CM/ECF Notice of Electronic Filing)
Robert C. Van Arnham (via CM/ECF Notice of Electronic Filing)
Valerie A. Lozano (via CM/ECF Notice of Electronic Filing)

September 30, 2015

JULIE RICHARDS JOHNSTON, CLERK

/s/ Christa N. Baker

(By) Christa N. Baker, Deputy Clerk